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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,360

07/21/2005

Frank-Uwe Sommer

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EXAMINER

KELLER, MICHAEL J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,360	<b>Applicant(s)</b> SOMMER ET AL.	
	<b>Examiner</b> Michael J. Keller	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11,14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11,14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/04/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. In the Reply filed 05/18/2009, Applicant has amended claims 1, 3, 4, 9, 15, 17 and 18, and canceled claims 12 and 13.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 9-11, 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (CH 678964) in view of Sommer et al. (DE 198 08 696) and Blodgett (U.S. Patent 1,981,026).**
4. Regarding **claim 1**, Kaiser discloses a drive device for a door comprising: a drive device for a door comprising: a guide rail (10) extending in a movement direction of the door; a carriage (18) to move along said guide device and comprising an electric motor (20) to cause movement of a door leaf (28), and a current feed connecting the electric motor with a current source, a traction mechanism (12), a first insert body (16), and a first traction mechanism tensioning device (13) with a positive interlocking part.
5. Kaiser does not disclose that the traction mechanism is a part of the current feed, that current is delivered from the current source to the traction mechanism, or that the first traction mechanism tensioning device includes a hook which is connected to the current feed cable.

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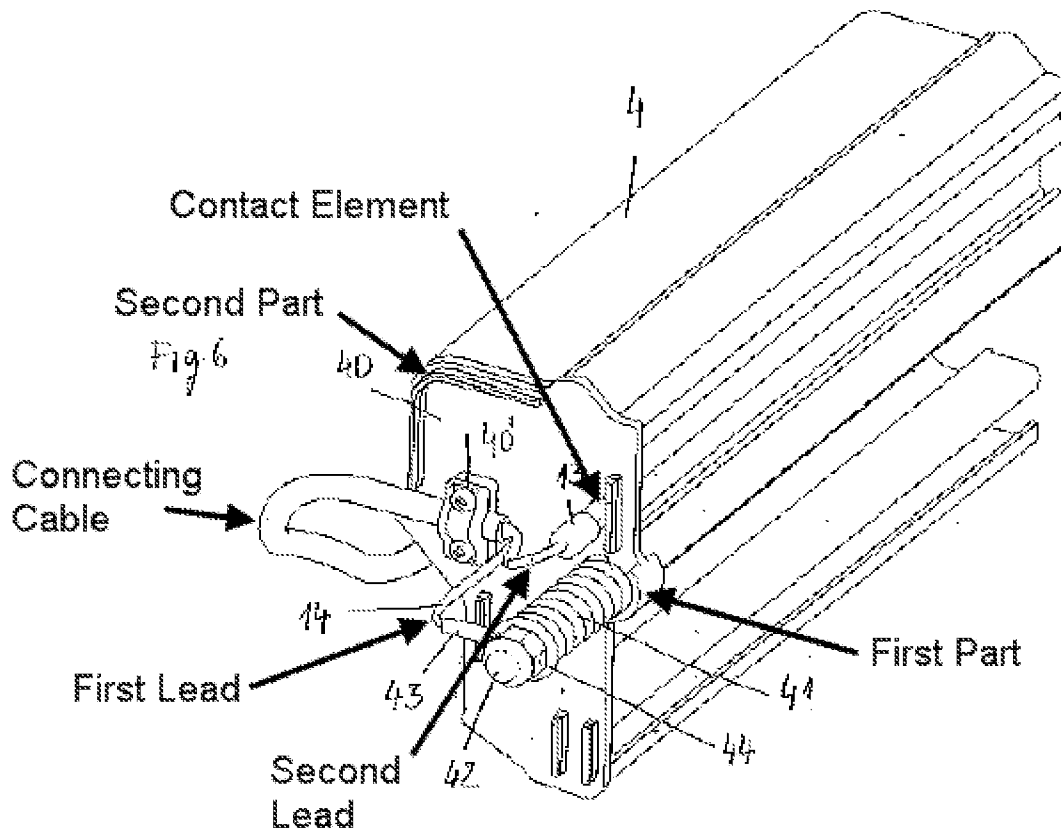
6. Sommer discloses a drive device for a door comprising: a guide rail (4,5) extending in a movement direction of the door, the guide rail having opposed first and second ends; a carriage (6) to move along said guide device and comprising an electric motor (21) to cause movement of a door leaf (1), and further comprising a current feed connecting the electric motor with a current source, the current of which is supplied at one end of the guide device (translation page 2 paragraph 1 lines 8-11); wherein said current feed comprises a first insert body (40) to be plugged into an end of the guide device and a current feed cable (connecting cable, see figure below) supplying current to a traction mechanism.

7. It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the drive device of Kaiser et al. with the current feed of Sommer et al. in order to eliminate the need for components 45 and 46 of Kaiser by feeding current through the traction means, thereby reducing the number of parts and manufacturing costs.

8. Blodgett discloses a similar driving device wherein a chain is attached at both ends to a hook (page 1 lines 79-84). All the claimed elements were known in the prior art as evidenced above, and one of ordinary skill in the art could have substituted the hook of Blodgett for the undisclosed means of attaching the traction means to the traction means tensioning device, using known methods with no change in their respective functions. Such a combination would have yielded predictable results to one of ordinary skill in the art at the time the invention was made, since the elements

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perform as expected and thus the results would be expected. Hooks are known be simple and easy to use connecting devices.



9. Regarding **claim 2**, Kaiser discloses a second insert body (16) having a form corresponding to that of said first insert body.

10. Regarding **claim 3**, Sommer discloses wherein the guide rail forms a component of the current feed, and wherein the first insert body further comprises a contact body to contact said rail.

11. Regarding **claim 4**, Sommer discloses wherein the first insert body comprises a first part to carry the first traction mechanism tensioning device, and a second part to provide an encircling abutment for an end of said rail.

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12. Regarding **claim 5**, Sommer discloses wherein the first part and the second part are integrally connected together.

13. Regarding **claim 6**, Kaiser discloses wherein the insert body has bores (16a) to be used for fastening said rail.

14. Regarding **claims 9 and 10**, Kaiser discloses a second insert body (16) having a second traction mechanism tensioning device (15) with a positive interlocking part to lock into place the traction mechanism; wherein the traction mechanism is tensioned between the traction mechanism tensioning devices of the first and second insert bodies at the ends of the guide device.

15. Regarding **claim 11**, Kaiser and Sommer disclose wherein the traction mechanism comprises a chain.

16. Regarding **claim 14**, Kaiser and Sommer disclose wherein the guide rail forms a component of the current feed.

17. Regarding **claim 15**, Sommer discloses wherein the first insert body comprises: a first part to carry the first traction mechanism tensioning device; and a second part to form an end stop at an end of the guide rail, the second part having an opening to permit accessing an adjustment device (44) of the first traction mechanism tensioning device (see figure above).

18. Regarding **claim 16**, Sommer discloses wherein said adjustment device enables the positive interlocking part of the traction mechanism tensioning device to be adjusted in a longitudinal direction of the guide rail (translation page 2, paragraph 7).

19. Regarding **claim 17**, Sommer discloses wherein the first insert body further comprises one or more contact elements to make contact with the guide rail (see figure above).

20. Regarding **claim 18**, Sommer discloses wherein the traction mechanism tensioning device and the traction mechanism are connected to a first lead of the connecting cable (see figure above).

21. Regarding **claim 20**, Sommer discloses wherein at least one said contact element is connected to a second lead of the connecting cable (see figure above).

### ***Response to Arguments***

22. Applicant's arguments filed 05/18/2009 have been fully considered but they are not persuasive.

23. First, Applicant has argued that Kaiser and Sommer do not disclose hooks, and Blodgett does not disclose hooks connected to a current feed cable. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Blodgett is relied upon to teach the concept of attaching a chain to a structure using hooks. The structure to which the chain is being attached is the first traction mechanism tensioning device (13) of Kaiser. The first traction mechanism tensioning device is connected to a current feed cable as disclosed by Sommer, and since the hook is connected to the first traction mechanism tensioning device it must also be connected to the current feed cable.

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24. Second, Applicant has argued that the invention of claim 1 serves the dual purpose of fastening the traction mechanism while providing an electrical connection to the traction mechanism. The combination of Kaiser Sommer and Blodgett results in a device capable of both of these functions, as explained in the rejection above.

25. Third, Applicant has argued that no reason was provided for the combination of Kaiser Sommer and Blodgett. To clarify, one of ordinary skill in the art could have substituted the hook of Blodgett for the undisclosed means of attaching the traction means to the traction means tensioning device, using known methods (adding a hook to the end of a bolt is known) with no change in their respective functions. Such a combination would have yielded predictable results (the results being a hook connection between the traction means tensioning device and the traction means). It is further noted that hooks are known be simple and easy to use connecting devices.

### ***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art  
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/M. J. K./  
Examiner, Art Unit 3634